

THE SPEAKER PRO TEMPORE:⁽¹⁹⁾ The gentleman's point of order is premature, inasmuch as the bill is not

now before the House for consideration. The Chair overrules the point of order.

C. PRIVATE CALENDAR; PRIVATE BILLS

§ 10. In General

Taken up here are the procedures involved in the consideration and passage of private bills. The nature and form of private bills as legislation are treated in Chapter 24, *infra*.

Where a bill affects an individual, individuals, corporations, institutions, and so forth, it should and does go to the Private Calendar. Where it applies to a class and not to individuals as such, it then becomes a general bill and would be entitled to a place on the Consent Calendar. See § 7.3, *supra*.

§ 11. Calling Up

The Private Calendar is called on the first and third Tuesdays of the month. It is mandatory on the first Tuesday and discretionary

with the Speaker on the third Tuesday.⁽²⁰⁾

Individual private bills have been considered at other times by special order or by unanimous consent.⁽¹⁾ The call of the Private Calendar itself has by unanimous consent been transferred to other days⁽²⁾ or dispensed with altogether due to other pressing House business.⁽³⁾

Omnibus private bills are numerous private bills grouped together under one bill number for consideration and passage and resolved into individual bills for presentation to the President or transmittal to the Senate. They have precedence on the third Tuesday, and are not in order on the first Tuesday.⁽⁴⁾

Under the rule the Private Calendar is called on the first and third Tuesdays “. . . after the disposal of such business on the Speaker's table as requires ref-

19. William M. Whittington (Miss.).

20. See Rule XXIV clause 6, *House Rules and Manual* § 893 (1981)

1. See § 11.5, 11.7, *infra*.

2. See § 11.8, *infra*.

3. The Private Calendar was dispensed with during the week of consideration of the Civil Rights Act of 1963. 110 CONG. REC. 1552, 88th Cong. 2d Sess., Jan. 31, 1964.

4. See §§ 11.1, 11.2, *infra*.

erence only. . . .”⁽⁵⁾ However, the House has agreed by unanimous consent to consider business other than referrals before the Private Calendar is called at its regular time.⁽⁶⁾

Forms

Form of resolution providing for the consideration of the Private Calendar at an evening session.

H. RES. 364

Resolved, That on Friday, January 27, 1933, it shall be in order to move that the House take a recess until 8 o'clock p.m., and that at the evening session until 10:30 p.m. it shall be in order to consider bills on the Private Calendar unobjected to in the House as in Committee of the Whole. The call of bills on said calendar to begin at No. 536.⁽⁷⁾

Time for Consideration of Private Bills

§ 11.1 The consideration of Private Calendar bills on the first Tuesday of the month is mandatory unless the House by a two-thirds vote dispenses with such business, and the rule has been interpreted to prohibit the consid-

5. Rule XXIV clause 6, *House Rules and Manual* §893 (1981).
6. See §§ 11.11, 11.12, *infra*.
7. 76 CONG. REC. 2328, 72d Cong. 2d Sess.

eration of omnibus bills on that day.

On June 18, 1935,⁽⁸⁾ before the consideration of the bill (H.R. 8492) to amend the Agricultural Adjustment Act, Mr. Thomas L. Blanton, of Texas, raised a parliamentary inquiry as to whether certain bills on the Private Calendar would be in order.

THE SPEAKER:⁽⁹⁾ . . . The Chair may say in explanation of the statement made a while ago and in further amplification of that statement that the first section of the rule which applies to the first Tuesday in the month does not include omnibus bills. It provides that on the first Tuesday of the month the Speaker shall direct the calling of the Private Calendar, and the rule cannot be dispensed with except by a two-thirds vote of the House. The second paragraph, which covers the third Tuesday in the month, provides that the Speaker may direct the calling of the Private Calendar, and there is no provision to the effect it shall not be dispensed with.

§ 11.2 Omnibus private bills may not be considered on the first Tuesday of the month other than by unanimous consent.

On Feb. 3, 1936,⁽¹⁰⁾ Mr. John J. Cochran, of Missouri, raised a parliamentary inquiry:

8. 179 CONG. REC. 9548, 9549, 74th Cong. 1st Sess.
9. Joseph W. Byrns (Tenn.).
10. 80 CONG. REC. 1377, 74th Cong. 2d Sess.

MR. COCHRAN: Mr. Speaker, I received notice from the Whip this morning to the effect that bills on the Private Calendar would be called tomorrow. Does that mean that an omnibus claim bill may be called up tomorrow?

. . .

THE SPEAKER:⁽¹¹⁾ The House may by unanimous consent agree to the consideration of such a bill, but . . . omnibus bills may not be considered unless unanimous consent is given. Only individual bills on the Private Calendar may be considered tomorrow.

Precedence of Omnibus Bills

§ 11.3 Consideration of omnibus private bills on the third Tuesday of the month is discretionary with the Speaker inasmuch as under the rules such business does not take precedence over other privileged business of the House.

On Apr. 20, 1937,⁽¹²⁾ Mr. Samuel Dickstein, of New York, raised a parliamentary inquiry:

MR. DICKSTEIN: Mr. Speaker, this is the (third Tuesday) day on which omnibus bills on the Private Calendar could be taken up. I thought this would be the appropriate day to bring before the House the omnibus bill that has been reported by our committee for the consideration of the House. I understand that under the rule it is not mandatory.

11. Joseph W. Byrns (Tenn.).

12. 81 CONG. REC. 3645, 75th Cong. 1st Sess.

The Speaker⁽¹³⁾ responded, citing a decision of Speaker Byrns, that the call of the Private Calendar on the third Tuesday of the month is discretionary with the Speaker under the rule:

. . . This question was raised when the late lamented Speaker Byrns was in the chair, and he gave the following construction to the provision of the rule which the Chair has just read,⁽¹⁴⁾ as appears in the Congressional Record of June 18, 1935, Seventy-fourth Congress, first session:

The consideration of private bills on the third Tuesday of the month is discretionary with the Speaker, inasmuch as under the rules such business does not take precedence over other privileged business of the House.⁽¹⁵⁾

§ 11.4 Where the Speaker in his discretion directs the Clerk to call the Private Calendar on the third Tuesday of the month, omnibus bills on the calendar are called before individual bills thereon.

On Feb. 17, 1970,⁽¹⁶⁾ the House considered and passed the omnibus private bill (H.R. 15062) for the relief of sundry claimants.

The Speaker pro tempore then directed the Clerk to call the first

13. William B. Bankhead (Ala.).

14. Rule XXIV clause 6, paragraph 2.

15. 79 CONG. REC. 9548, 74th Cong. 1st Sess., June 18, 1935.

16. 116 CONG. REC. 3605-13, 91st Cong. 2d Sess.

individual bill on the Private Calendar.⁽¹⁷⁾

Consideration by Special Order

§ 11.5 The House may provide for the consideration of a private bill in the Committee of the Whole pursuant to a special order.

On Aug. 13, 1940,⁽¹⁸⁾ the House considered and agreed to House Resolution 407 providing for the immediate consideration in the Committee of the Whole of a private bill (H.R. 7230) authorizing an appeal to the Supreme Court from a decision of the Court of Claims. The resolution further provided for the reporting of such bill to the House with any amendments. The bill itself was later defeated in the House—ayes 60, noes 115.⁽¹⁹⁾

§ 11.6 Pursuant to a special order from the Rules Com-

17. "On the third Tuesday of each month . . . the Speaker may direct the Clerk to call the bills and resolutions on the Private Calendar, preference to be given to omnibus bills containing bills or resolutions which have previously been objected to on a call of the Private Calendar. . . ." Rule XXIV clause 6, *House Rules and Manual* §893 (1981).

18. 86 CONG. REC. 10258–74, 76th Cong. 3d Sess.

19. *Id.* at p. 10282.

mittee, the House may provide for the consideration of a private bill in the Committee of the Whole and for the reporting of such bill to the House with any amendments.

On June 13, 1940,⁽²⁰⁾ the House considered and agreed to the following resolution:

HOUSE RESOLUTION 511

Resolved, That immediately upon adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for consideration of H.R. 9766, a bill to authorize the deportation of Harry Renton Bridges. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Immigration and Naturalization, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Consideration of Private Bill Before Call of Calendar

§ 11.7 By unanimous consent, a bill on the Private Calendar

20. 86 CONG. REC. 8181, 76th Cong. 3d Sess.

was brought up and passed just prior to the call of that calendar.

On Aug. 3, 1965,⁽¹⁾ before the call of the Private Calendar, Mr. George F. Senner, Jr., of Arizona, asked unanimous consent for the immediate consideration of the private bill (S. 618) for the relief of Nora Isabella Samuelli. There was no objection to Mr. Senner's request.

Call of Calendar Transferred to Another Day

§ 11.8 The call of the Consent and Private Calendars was by unanimous consent made in order on the second Tuesday of the month due to the adjournment of the House for Easter recess.

The Private Calendar is frequently made in order on days other than that specified in the rules by special order of the House. For example, on Mar. 29, 1961,⁽²⁾ Mr. John W. McCormack, of Massachusetts, asked unanimous consent that on Tuesday, Apr. 11, 1961, it be in order to consider business on the Consent

1. 111 CONG. REC. 19202-05, 89th Cong. 1st Sess.

2. 107 CONG. REC. 5289, 5290, 87th Cong. 1st Sess.

Calendar and the Private Calendar.

There was no objection.⁽³⁾

Consideration on District Monday

§ 11.9 It is in order on District Monday for the Committee on the District of Columbia to call up bills on the Private Calendar that have been reported by that committee.

On May 26, 1930,⁽⁴⁾ it being District of Columbia Day, Mr. Clarence J. McLeod, of Michigan, asked unanimous consent to take up the bill on the Private Calendar (H.R. 3048) to exempt from taxation certain property of the National Society of the Sons of the American Revolution in the District of Columbia.

Mr. William H. Stafford, of Wisconsin, reserved the right to object and noted that this being a Pri-

3. The transfer of call of the Private Calendar to other days has been effected for numerous other reasons. For example: (1) Fourth of July recess, 109 CONG. REC. 11774, 88th Cong. 1st Sess., June 26, 1963; (2) before expected adjournment *sine die*, 113 CONG. REC. 25952, 25953, 90th Cong. 1st Sess., Dec. 12 1967; and (3) death of a Member, 110 CONG. REC. 5, 88th Cong. 2d Sess., Jan. 7, 1964.

4. 73 CONG. REC. 9607, 71st Cong. 2d Sess.

vate Calendar bill it was not in order at that time. The Speaker pro tempore⁽⁵⁾ responded that the measure was in order at that time and cited 4 Hinds' Precedents §3310, holding that on District of Columbia Day a motion is in order to go into Committee of the Whole House to consider a private bill reported by the Committee on the District of Columbia.

Consideration on Calendar Wednesday

§ 11.10 Private bills are not eligible for consideration on Calendar Wednesday.

On June 5, 1940,⁽⁶⁾ during consideration of Calendar Wednesday business, Mr. John Lesinski, of Michigan, called up a bill (H.R. 9766) to authorize the deportation of an individual. The Chair ruled:

THE SPEAKER:⁽⁷⁾ . . . There is no question about bills that may and may not be called up on Calendar Wednesday. The rules specifically provide that on a call of committees under this rule bills may be called up from either the House or the Union Calendars except bills which are privileged under the rules.⁽⁸⁾ This bill which the gentleman

5. Carl R. Chindblom (Ill.).
6. 86 CONG. REC. 7629, 76th Cong. 3d Sess.
7. William B. Bankhead (Ala.).
8. See Rule XXIV clause 7, *House Rules and Manual* § 897 (1981).

from Michigan has called up is on the Private Calendar, and in the opinion of the Chair, under the rules, it is not eligible for consideration on Calendar Wednesday.

Preempting Time for Call of Calendar

§ 11.11 By a unanimous-consent agreement the House may provide for the taking up of certain business during the time for the call of the Private Calendar.

On Mar. 4, 1958,⁽⁹⁾ the House commemorated the 53d anniversary of the inauguration of President Theodore Roosevelt during the time for the call of the Private Calendar, having previously agreed to do so by unanimous consent.⁽¹⁰⁾

Precedence of Conference Report

§ 11.12 The Speaker has recognized a Member to call up a conference report before directing the call of the Private Calendar on the first Tuesday of the month.

9. 104 CONG. REC. 3388, 85th Cong. 2d Sess.
10. See also the unanimous-consent request to commemorate Pan American Day before the call of the Private Calendar. 104 CONG. REC. 6436, 6437, 85th Cong. 2d Sess., Apr. 15, 1958.

On Aug. 3, 1965,⁽¹¹⁾ Mr. Emanuel Celler, of New York, before the call of the Private Calendar on a Private Calendar day, was recognized to call up the conference report on the bill (S. 1564) to enforce the 15th amendment to the U.S. Constitution and asked unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

There was no objection.

Private Calendar Bills as Unfinished Business

§ 11.13 When the House adjourns before completing action upon an omnibus private bill such bill goes over as unfinished business until that class of business is again in order under the rule.

On Mar. 17, 1936,⁽¹²⁾ during consideration of an omnibus bill, Mr. John M. Costello, of California, moved that the House adjourn. Mr. Fred Biermann, of Iowa, inquired as to the status of the bill upon adjournment. The Speaker pro tempore⁽¹³⁾ indicated

that the bill would be the unfinished business of the House at the next call of the Private Calendar when that class of business was again in order.

§ 12. Objections; Disposition

When a bill is called on the Private Calendar two methods are available to prevent its consideration. The bill can be passed over or recommitted by unanimous consent,⁽¹⁴⁾ or if two objections are heard the measure is automatically recommitted to the committee which reported it.⁽¹⁵⁾ To this latter purpose the leadership of each party appoints official objectors in each Congress to screen measures on the calendar.⁽¹⁶⁾

The House has used the unanimous-consent request procedure to restore measures to the calendar or to rescind actions previously taken.⁽¹⁷⁾

Objections Based on Seven-day Requirement

§ 12.1 In taking up the Private Calendar, the official objec-

11. 111 CONG. REC. 19187, 89th Cong. 1st Sess.

12. 80 CONG. REC. 3901, 74th Cong. 2d Sess.

13. Edward T. Taylor (Colo.).

14. See §§ 12.4–12.7, *infra*.

15. Rule XXIV clause 6, *House Rules and Manual* § 893 (1981).

16. See §§ 12.2, 12.3, *infra*.

17. See §§ 12.14–12.17, *infra*.